

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2022 to March 30, 2023**

**FIRST SPECIAL SESSION**  
**April 5, 2023 to July 26, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NONEMERGENCY LAWS IS**  
**JUNE 29, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NONEMERGENCY LAWS IS**  
**OCTOBER 25, 2023**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2023**

The review committee shall invite the Chief Justice of the Supreme Judicial Court to designate a member of the judicial branch to serve as a member of the committee.

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the review committee.

**Sec. 4. Appointments; convening of review committee. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the review committee. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the review committee to meet and conduct its business.

**Sec. 5. Duties. Resolved:** That the review committee shall:

1. Review activities in other states that address the expungement, sealing, vacating of and otherwise limiting public access to criminal records;
2. Consider so-called clean slate legislation options;
3. Consider whether the following convictions should be subject to different treatment:
  - A. Convictions for conduct that has been decriminalized in this State over the last 10 years and conduct that is currently under consideration for decriminalization;
  - B. Convictions for conduct that is nonviolent or involves the use of marijuana; and
  - C. Convictions for conduct that was committed by victims and survivors of sexual exploitation and sex trafficking;
4. Consider whether there is a time limit after which some or all criminal records should not be publicly available;
5. Invite comments and suggestions from interested parties, including but not limited to victim advocates and prison and correctional reform organizations;
6. Review existing information about the harms and benefits of making criminal records confidential, including the use and dissemination of those records;
7. Invite comments and suggestions concerning the procedures to limit public accessibility of criminal records;

8. Consider who, if anyone, should continue to have access to criminal records that are not publicly available;

9. Develop options to manage criminal records; and

10. Review and consider criminal records expungement legislation referred to the Joint Standing Committee on Judiciary during the 131st Legislature, including, but not limited to, legislative documents 848, 1550, 1646 and 1789.

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the review committee, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

**Sec. 7. Interim report. Resolved:** That, no later than December 6, 2023, the review committee shall submit to the Joint Standing Committee on Judiciary an interim report that includes, but is not limited to, its findings and recommendations, including suggested legislation, regarding the expungement, sealing, vacating of and otherwise limiting public access to criminal records related to convictions for conduct that is nonviolent or involves the use of marijuana. The joint standing committee may report out legislation related to the report to the Second Regular Session of the 131st Legislature.

**Sec. 8. Final report. Resolved:** That, no later than November 6, 2024, the review committee shall submit to the joint standing committee of the Legislature having jurisdiction over judiciary matters a final report that includes its findings and recommendations not included in the interim report, including suggested legislation. The joint standing committee may report out legislation related to the report to the 132nd Legislature in 2025.

See title page for effective date.

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**CHAPTER 104**

**S.P. 805 - L.D. 1971**

**Resolve, to Ensure that Eligible Customers Receive Payments from the Energy Rate Relief Fund**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** certain deadlines need to be extended before the expiration of the 90-day period in order to ensure that eligible customers receive payments from the Energy Rate Relief Fund; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Resolve 2021, c. 168, §4, amended. Resolved:** That Resolve 2021, c. 168, §4 is amended to read:

**Sec. 4. Energy rate relief payments by covered utilities. Resolved:** That, by October 30, ~~2022~~ 2023, each covered utility shall credit to the account of each eligible customer the amount of relief payment to which the eligible customer is entitled under section 5 unless the eligible customer is no longer a customer of the utility. By November 15, ~~2022~~ 2023, the covered utility shall report to the department the total amount of relief payments applied to eligible customer accounts and the total number of eligible customers who received an account credit in each relief payment tier specified in section 5, subsections 1 to 3. When a covered utility credits the relief payment to the customer's bill, the utility may deduct that amount from the separate account set aside for purposes of this section under section 3 and treat that amount as if it were a payment by the customer. Any funds that a covered utility does not credit to an eligible customer under this section by ~~June~~ December 1, 2023 must be returned to the Treasurer of State, who, by December 31, 2023, shall transfer the funds to the department.

**Sec. 2. Resolve 2021, c. 168, §5, first ¶, amended. Resolved:** That Resolve 2021, c. 168, §5, first ¶ is amended to read:

**Sec. 5. Energy rate relief payment distribution. Resolved:** That the department shall determine the amount of relief payments for covered utilities to credit to an eligible customer based on the number of kilowatt-hours billed by the covered utility to the customer on the February 2022 invoice or based on an alternative method as determined by the department in accordance with the following relief payment tiers:

**Sec. 3. Resolve 2021, c. 168, §6, amended. Resolved:** That Resolve 2021, c. 168, §6 is amended to read:

**Sec. 6. Energy Rate Relief Fund. Resolved:** That the Energy Rate Relief Fund is established for purposes of facilitating relief payments under this section. The fund consists of all resources transferred to the fund by the State Controller under section 3 and funds identified by the department to implement this section. The fund must be used to provide relief payments to covered utilities or consumer-owned transmission and distribution utilities under this section. The department may use the fund to provide energy rate relief to eligible customers of a consumer-owned transmission and distribution utility. Any amounts remaining in the fund on ~~June 30~~

~~December 15~~, 2023 must be transferred by the State Controller to the department.

**Sec. 4. Resolve 2021, c. 168, §7, amended. Resolved:** That Resolve 2021, c. 168, §7 is amended to read:

**Sec. 7. Review. Resolved:** That, by ~~June 30~~ December 15, 2023, the department shall undertake a review of each covered utility to ensure that the relief payment under section 3 has been credited to eligible customers or returned to the State in accordance with section 4. If the department determines that any of the requirements of this section have not been complied with, the department may issue appropriate orders to correct the noncompliance or provide a report to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters recommending legislation to address the matter.

**Sec. 5. Retroactivity. Resolved:** That this resolve applies retroactively to October 30, 2022.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 26, 2023.

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## CHAPTER 105

### H.P. 149 - L.D. 228

#### **Resolve, to Require That Alcohol Misuse Be Disclosed as a Contributing Factor to Death on Death Certificates**

**Sec. 1. Death certificate to list alcohol misuse as a contributing factor. Resolved:** That the Department of Health and Human Services shall amend the medical certification of the cause of death completed pursuant to the Maine Revised Statutes, Title 22, section 2842 to include a check box to document if alcohol misuse contributed to the death of a person.

**Sec. 2. Department of Health and Human Services to create an information campaign regarding the completion of death certificates. Resolved:** That the Department of Health and Human Services shall develop an information campaign and training regarding the completion of medical certifications of the cause of death by eligible providers and seek approval for continuing medical education credits for such training.

**Sec. 3. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Data, Research and Vital Statistics Z037**